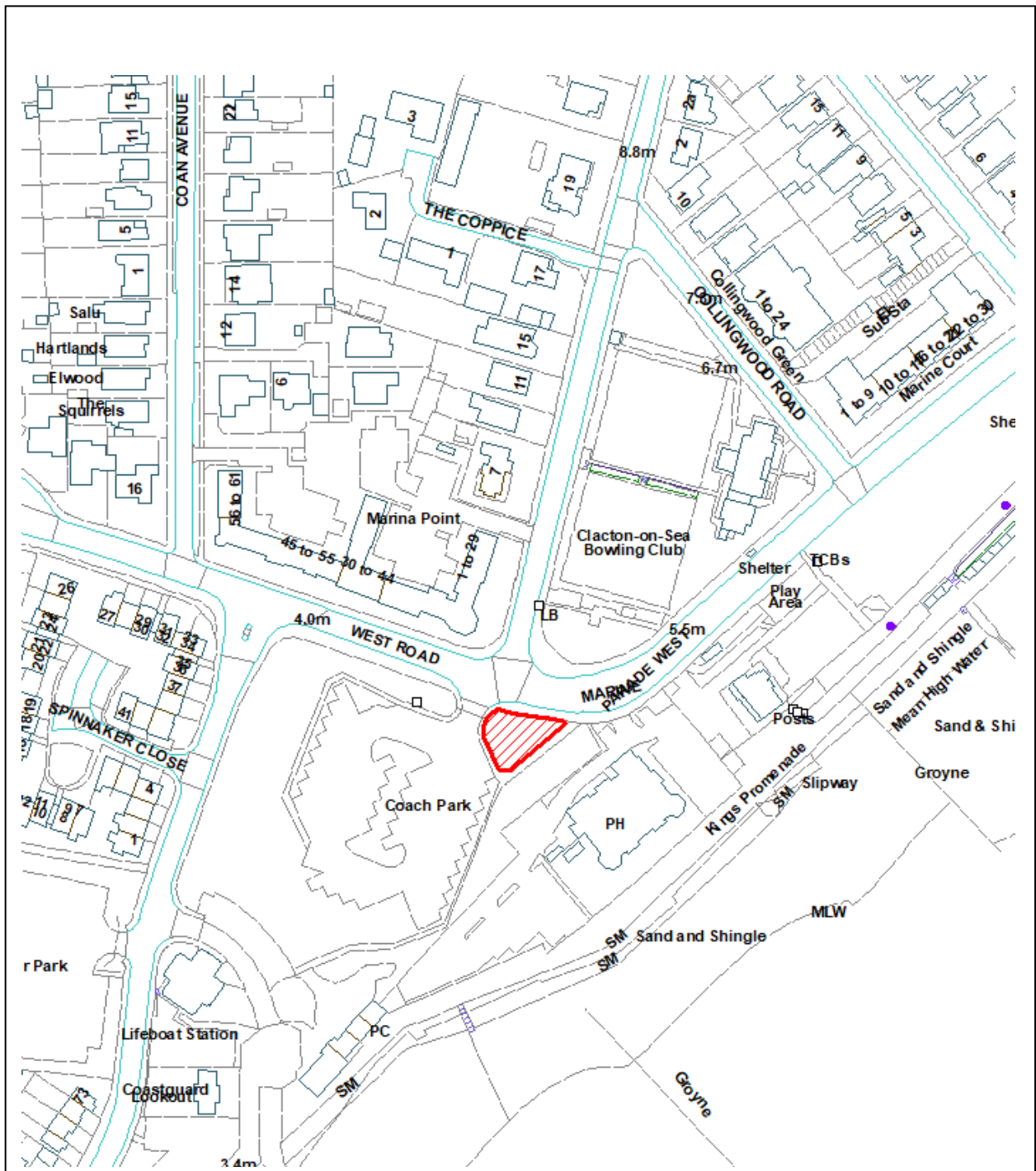


PLANNING COMMITTEE

12 April 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.5 PLANNING APPLICATION – 22/00416/FUL – MARTELLO CARPARK WEST ROAD
CLACTON ON SEA CO15 1AH**



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Application: 22/00416/FUL

Town / Parish: Clacton Non Parished

Applicant: Mrs Jeanette Thomasson - Tendring District Council

Address: Martello Carpark West Road Clacton On Sea CO15 1AH

Development: Proposed erection of a new beacon for the Queen's platinum jubilee.

1. **Executive Summary**

- 1.1 This application has been referred to the Planning Committee as Tendring District Council is the applicant.
- 1.2 This application seeks planning permission for the erection of a new beacon for the Queen's platinum jubilee.
- 1.3 The application site is located within the settlement development boundary of Clacton on Sea.
- 1.4 Local Plan Policy PP8 states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors.
- 1.5 The proposed beacon is considered acceptable in terms of design and appearance and it is not considered to cause any material impact upon neighbouring amenities.

Recommendation:

That the Assistant Director for Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

PP8 Tourism

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

2.2 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

3. Relevant Planning History

11/01311/FUL	Installation of cables in conjunction with the Gunfleet Sands Wind Farm from landfall at Martello Bay coach and car park to the Veolia Water site at the Waterglade Retail Park and the erection of a substation at the Veolia Water Site.	Approved	16.03.2012
13/00827/FUL	Variation of condition 2 of planning permission 11/01311/FUL to substitute approved drawing no CLH001a for amended drawing no's J10595/C/020 Issue G, J10595/C/017 Issue E and J10595/C/007 Issue H.	Approved	07.11.2013

4. Consultations

Environmental Health
24.03.2022

With reference to the above application, I can advise that the EP Team have no comments to make.

5. Representations

- 5.1 Clacton is non parished.
- 5.2 No letters of representations have been received.

6. Assessment

Site Description

- 6.1 The application site refers to Martello Car Park, West Road, Clacton on Sea. The application site is a piece of greenery located to the east of the entrance to the Car Park located between Parade West and West Road. The application site is located within the settlement development boundary of Clacton on Sea.

Proposal

- 6.2 This application seeks planning permission for the erection of a new beacon for the Queen's platinum jubilee.

Principle of Development

- 6.3 Policy PP8 of the Tendring District Local Plan 2013 – 2033 states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. It is therefore considered that the principle of the beacon is acceptable in this location subject to the detailed considerations below.

Design and Appearance

- 6.4 One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Policies SP1 and SPL 3 of the Adopted Local Plan aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.
- 6.5 The proposed beacon will be visible to the street scene of West Road and Parade West. The total height of the post is approximately 6.2 metres with the basket measuring approximately 1.2 metres. The beacon will total approximately 7.4 metres in height. The beacon will be constructed from a steel pole and steel basket which is considered acceptable to ensure the longevity and maintenance of the proposal.
- 6.6 Although visible to the street scene, the proposed beacon is well set back from the highway and it is considered that the design and appearance is acceptable and would result in no material harm to visual amenity, the character of the surrounding area, or highway safety.

Impact upon Neighbouring amenities

- 6.7 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.8 There are no immediate neighbours to the application site. To the south east is the Public House, 'The Toby Carvery', however due to a distance of approximately 13 metres as well as the nature of the proposal it is not considered to cause any impact upon the neighbouring amenities.
- 6.9 To the north of the application site on the opposite side of the road is Clacton-on-Sea Bowling Club, although the beacon will be visible, due to the distance the proposal is not considered to cause any adverse impact. The proposed beacon will be visible to Marina Point flats, however due to the significant separation distance as well as the nature of the proposed beacon, it is not considered to cause any adverse impact.

7. Conclusion

- 7.1 The proposed beacon is considered acceptable in this location in terms of visual amenity, residential amenity, and highway safety.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

8.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:

- Beacon Plan – Scanned 9th March 2022
- Location Plan – Scanned 9th March 2022

Reason: In the interests of proper planning and for the avoidance of doubt.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.